UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,121	04/06/2000	David A. Evans	940630-010-018	7647

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EXAMINER
LY, ANH

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	09/544,121	EVANS ET AL.
	Examiner	Art Unit
	Anh Ly	2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 April 2003</u> .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-22 and 25-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-22 and 25-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

1.   The appellant has filed Brief on 04/07/2003, which was carefully considered in an

Appeal Conference. The conferees found appellant's argument, "a visual

representation of a network of linked operator for analyzing data in a database." (page 5

of Appeal Brief) to be persuasive. It was decided in the conference that the final

Rejection in Paper #6 (dated 10/30/2002) is now withdrawn. The Office regrets any

inconvenience caused to the applicant.

2.   Claims 1, 3-22 and 25-33 have been considered but are moot in view of the new

ground(s) of rejection (noted that claims 2 and 23-24 are cancelled in Page # 5, dated

08/14/2002).

3.   Claims 1, 3-22 and 25-33 are pending in this application.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

6.   Claims 1, 9 and 16-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent No. 6,418,428 issued to Bosch et al. (hereinafter Bosch)

in view of US Patent No. 6,208,985 issued to Krehel.·

With respect to claim 1, Bosch discloses selecting one or more data sources (in

the analysis network, one of the analysis objects is data sources: col. 3, lines 50-56;

also see col. 2, lines 12-16); selecting a plurality of operators for analyzing information

(analysis functions of the analysis network: col. 3, lines 1-3); linking said plurality of

operators together in a network (analysis function connecting a analysis network via a

graphics interface operations: col. 3, lines 56-63); creating a visual representation of

said network (a plurality of analysis graphics objects, visually representing/a number of

icons, for creating analysis network: col. 1, lines 65-67 and col. 2, lines 1-6); detecting

whether said data source is a data stream or a database (performing an analysis of a

database: col. 5, lines 45-50).

As to the limitations, "evaluating said operators against a database when said data source includes one or more databases and evaluating a data unit against said operator when said data source includes one or more data streams; and creating a plurality of output indicators corresponding to each of said operators on said visual representation of said network, wherein said output indicators visually represent a quantified output of said corresponding operators," Bosch does not explicitly indicate including one or more data streams and the output indicators visually represent a qualified output of said corresponding operators.

However, Krehel discloses streams of data and the output of the graphical representation of the output of streams of data (col. 4, lines 8-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Busch with the teachings of Krehel so as to obtain a method for analyzing information from a stream of data or database by software of analysis tools (col. 6, lines 15-24). This combination would provide the method for analysis information with a network of linked graphical representation operations (Krehel - col. 4, lines 1-28). Also, the various analysis objects are placed into the analysis network and interconnected for analysis information of a database or a selected databases (Bosch – col. 2, lines 1-16) in the analyzing information using visualization representation environment.

With respect to claim 9, Bosch discloses selecting one or more data sources (in the analysis network, one of the analysis objects is data sources: col. 3, lines 50-56; also see col. 2, lines 12-16); selecting a plurality of operators for analyzing information

(analysis functions of the analysis network: col. 3, lines 1-3); linking said plurality of

operators together in a network (analysis function connecting a analysis network via a

graphics interface operations: col. 3, lines 56-63); creating a visual representation of

said network (a plurality of analysis graphics objects, visually representing/a number of

icons, for creating analysis network: col. 1, lines 65-67 and col. 2, lines 1-6); linking said

network to said data source in said visual representation and compiling said network

and evaluating said data source using said network when said network is visually linked

to said data source (col. 2, lines 1-16; also an analysis of database: col. 5, lines 45-50).

As to the limitations, "creating a plurality of output indicators corresponding to

each of said operators on said visual representation of said network, wherein said

output indicators visually represent a quantified output of said corresponding operators,"

Bosch does not explicitly indicate including the output indicators visually represent a

qualified output of said corresponding operators.

However, Krehel discloses streams of data and the output of the graphical

representation of the output of streams of data (col. 4, lines 8-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of Busch with the teachings

of Krehel so as to obtain a method for analyzing information from a stream of data or

database by software of analysis tools (col. 6, lines 15-24). This combination would

provide the method for analysis information with a network of linked graphical

representation operations (Krehel - col. 4, lines 1-28). Also, the various analysis objects

are placed into the analysis network and interconnected for analysis information of a

database or selected databases (Bosch – col. 2, lines 1-16) in the analyzing information using visualization representation environment.

With respect to claims 16-21, Bosch discloses a method as discussed in claim 9.

As to the limitation, "wherein said output indicators further represent a quantified input of said corresponding operators, display the number of documents, pie char, bar chart, term map, and a response function, " Bosch does not explicitly indicate including one or more data streams and the output indicators visually represent a qualified output of said corresponding operators, number of document, pie chart, bar chart and response function.

However, Krehel discloses streams of data and the output of the graphical representation of the output of streams of data (col. 4, lines 8-14); the size of input stream of data (col. 4, lines 10-14); the pie and bar chart (col. 2, lines 5-10) and response function (via drag-drop function: col. 21, lines 20-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Busch with the teachings of Krehel so as to obtain a method for analyzing information from a stream of data or database by software of analysis tools (col. 6, lines 15-24). This combination would provide the method for analysis information with a network of linked graphical representation operations (Krehel - col. 4, lines 1-28). Also, the various analysis objects are placed into the analysis network and interconnected for analysis information of a database or a selected databases (Bosch – col. 2, lines 1-16) in the analyzing information using visualization representation environment.

With respect to claim 22, Bosch discloses selecting a plurality of operators for detecting whether information satisfies a desired constraint; linking said operators together in a network; creating a visual representation of said network; linking said data stream to said network in said visual representation; evaluating said received information against said network; automatically generating a programmed response when a constraint from at least one network operator is satisfied; and creating an output indicator, said indicator representing a response function initiated by one of said operators (in the analysis network, one of the analysis objects is data sources: col. 3, lines 50-56; also see col. 2, lines 12-16; analysis functions of the analysis network: col. 3, lines 1-3; analysis function connecting a analysis network via a graphics interface operations: col. 3, lines 56-63; a plurality of analysis graphics objects, visually representing/a number of icons, for creating analysis network: col. 1, lines 65-67 and col. 2, lines 1-6; and col. 2, lines 1-16; also an analysis of database: col. 5, lines 45-50).

As to the limitations, "automatically generating a programmed response when a constraint from at least one network operator is satisfied; and creating an output indicators, said indicator representing a response function initiated by said of operator," Bosch does not explicitly indicate generating a programmed response and including the output indicators visually represent a qualified output of said corresponding operators.

However, Krehel discloses drag-drop operation to response an operation (col. 21, lines 20-26); and streams of data and the output of the graphical representation of the output of streams of data (col. 4, lines 8-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Busch with the teachings of Krehel so as to obtain a method for analyzing information from a stream of data or database by software of analysis tools (col. 6, lines 15-24). This combination would provide the method for analysis information with a network of linked graphical representation operations (Krehel - col. 4, lines 1-28). Also, the various analysis objects are placed into the analysis network and interconnected for analysis information of a database or selected databases (Bosch – col. 2, lines 1-16) in the analyzing information using visualization representation environment.

7.   Claims 3-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,418,428 issued to Bosch et al. (hereinafter Bosch) in view of US Patent No. 6,208,985 issued to Krehel and further in view of US Patent No. 6,353,825 issued to Ponte.

With respect to claims 3-5, Bosch in view of Krehel discloses a method as discussed in claim 1.

As to the limitations, "combining said operators having a document identifier into operator database; a listing of data context identifiers having one or more corresponding document features group of terms, term counts," Bosch in view of Krehel does not explicitly indicate that the document identifier, terms.

However, Pont discloses document identifier, feature of document and term counts as claimed (col. 8, lines 50-67, col. 9, lines 1-67 and col. 10, lines 1-18; col. 23, lines 30-47, see fig 8 and fig 9; col. 19, lines 50-54 and col. 34, lines 39-47; col. 8, lines 50-67 and col. 9, lines 1-40 and col. 26, lines 21-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Busch in view of Krehel with the teachings of Ponte so as to obtain a method for the method including the selection of document based on the feature of documents determined to have the characteristic in order to generate a new rank ordered list of document (Ponte – col. 9, lines 45-60) and analyzing information from a stream of data or database by software of analysis tools (col. 6, lines 15-24). This combination would provide the method for analysis information with a network of linked graphical representation operations (Krehel - col. 4, lines 1-28). Also, the various analysis objects are placed into the analysis network and interconnected for analysis information of a database or selected databases (Bosch – col. 2, lines 1-16) in the analyzing information using visualization representation environment.

With respect to claims 10-12, Bosch in view of Krehel discloses a method as discussed in claim 9.

As to the limitations, "combining said operators having a document identifier into operator database; a listing of data context identifiers having one or more corresponding document features group of terms, term counts," Bosch in view of Krehel does not explicitly indicate that the document identifier, terms.

However, Pont discloses document identifier, feature of document and term counts as claimed (col. 8, lines 50-67, col. 9, lines 1-67 and col. 10, lines 1-18; col. 23, lines 30-47, see fig 8 and fig 9; col. 19, lines 50-54 and col. 34, lines 39-47; col. 8, lines 50-67 and col. 9, lines 1-40 and col. 26, lines 21-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Busch in view of Krehel with the teachings of Ponte so as to obtain a method for the method including the selection of document based on the feature of documents determined to have the characteristic in order to generate a new rank ordered list of document (Ponte – col. 9, lines 45-60) and analyzing information from a stream of data or database by software of analysis tools (col. 6, lines 15-24). This combination would provide the method for analysis information with a network of linked graphical representation operations (Krehel - col. 4, lines 1-28). Also, the various analysis objects are placed into the analysis network and interconnected for analysis information of a database or selected databases (Bosch – col. 2, lines 1-16) in the analyzing information using visualization representation environment.

8.   Claims 6-8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,418,428 issued to Bosch et al. (hereinafter Bosch) in view of US Patent No. 6,208,985 issued to Krehel and further in view of US Patent No. 6,266,053 issued to French et al. (herein French).

With respect to claims 6-8, Busch in view of Krehel discloses a method as discussed in claim 1.

As to the limitations, "at least one of group consisting of a text file, audio file, video file, graphic file and picture file; data source is transmitted over a network and network comprises the Internet," Busch in view of Krehel does not explicitly indicate the files , a network and Internet.

However, French discloses multimedia data, network such as Internet as claimed (col. 1, lines 5-20, col. 7, lines 42-52 and col. 8, lines 14-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Busch in view of Krehel with the teachings of French so as to obtain a method for performing various optimizations to transmit multimedia data over the network such as Internet (French – col. 5, lines 42-54). This combination would provide the method for analysis information with a network of linked graphical representation operations (Krehel - col. 4, lines 1-28). Also, the various analysis objects are placed into the analysis network and interconnected for analysis information of a database or selected databases (Bosch – col. 2, lines 1-16) in the analyzing information using visualization representation environment.

With respect to claims 13-15, Busch in view of Krehel discloses a method as discussed in claim 9.

As to the limitations, "at least one of group consisting of a text file, audio file, video file, graphic file and picture file; data source is transmitted over a network and

network comprises the Internet," Busch in view of Krehel does not explicitly indicate the

files , a network and Internet.

However, French discloses multimedia data, network such as Internet as claimed

(col. 1, lines 5-20, col. 7, lines 42-52 and col. 8, lines 14-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of Busch in view of Krehel

with the teachings of French so as to obtain a method for performing various

optimizations to transmit multimedia data over the network such as Internet (French –

col. 5, lines 42-54). This combination would provide the method for analysis information

with a network of linked graphical representation operations (Krehel - col. 4, lines 1-28).

Also, the various analysis objects are placed into the analysis network and

interconnected for analysis information of a database or selected databases (Bosch –

col. 2, lines 1-16) in the analyzing information using visualization representation

environment.

9.   Claims 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent No. 6,418,428 issued to Bosch et al. (hereinafter Bosch) in view of US Patent

No. 6,208,985 issued to Krehel and further in view of US Patent No. 6,029,171 issued to

Smiga et al. (herein Smiga).

With respect to claims 25-33, Bosch in view of Krehel discloses a method for automatically responding to information received from a data stream as discussed in claim 22.

As to the limitations, "wherein said programmed response comprises generating an email message; wherein said programmed response comprises generating a telephone voice message; wherein said output indicator represents an email message; and wherein said output indicator represents a telephone voice message; wherein said programmed response comprises generating a text message; creating an output indicator, said indicator representing a response function initiated by one of said operators; wherein said output indicator represents a text message and transmitting said output indicator over a computer network," Bosch in view of Krehel does not explicitly indicate that text message, email message, voice message and network.

However, Smiga discloses text expression such as text message and response indicator as claimed (abstract, col. 1, lines 18-40, col. 2, lines 56-67, col. 3, lines 1-13 and col. 5, lines 22-55; col. 24, lines 16-31); and transmitting information over network as claimed (col. 4, lines 3-58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Busch in view of Krehel with the teachings of Smiga so as to obtain a method for method having a way to for user interface with the linked objects includes lists, project, e-mail, document identifiers for displaying the information (Smiga – col. 5, lines 55-67 and col. 6, lines 1-10). This combination would provide the method for analysis information with a network of linked

graphical representation operations (Krehel - col. 4, lines 1-28). Also, the various

analysis objects are placed into the analysis network and interconnected for analysis

information of a database or selected databases (Bosch – col. 2, lines 1-16) in the

analyzing information using visualization representation environment.

Contact Information

10.   Any inquiry concerning this communication should be directed to Anh Ly whose

telephone number is (703) 306-4527 or via E-Mail: **ANH.LY@USPTO.GOV**. The

examiner can be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner are unsuccessful, see the examiner's

supervisor, Kim Vu, can be reached on (703) 305-4393.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 746-7238 (after Final Communication)

or: (703) 746-7239 (for formal communications intended for entry)

or: (703) 746-7240 (for informal or draft communications, or Customer Service

Center, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, Fourth Floor (receptionist).

Inquiries of a general nature or relating to the status of this application should be

directed to the Group receptionist whose telephone number is (703) 305-3900.

SHAHID AL ALAM
PATENT EXAMINER

AL

Jun. 11th, 2003